

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JAMES MCCLAUGHLIN,</b>	:	<b>No. 1:13-cv-02851</b>
<b>Plaintiff</b>	:	
	:	<b>(Judge Kane)</b>
<b>v.</b>	:	
	:	<b>(Chief Magistrate Judge Carlson)</b>
<b>JOHN KERESTES, et al.,</b>	:	
<b>Defendants</b>	:	

**ORDER**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

On November 22, 2013, Plaintiff James McLaughlin filed the above-captioned civil rights action and a motion to proceed in forma pauperis. (Doc. Nos. 1, 2.) In his complaint, Plaintiff alleges that Defendants, Lieutenant Hart, Sergeant Meyers, and Nurse Practitioner Ianuzzi violated his Eighth Amendment rights by denying him orthopedic shoes. (Id.) Plaintiff further alleged that four additional Defendants, Superintendent John Kerestes, Captain Geroski, and grievance coordinators Miller and Mason violated his civil rights in relation to their supervisory status and in a failure to properly address his grievances. (Id.) On November 26, 2013, Chief Magistrate Judge Martin Carlson issued a Report and Recommendation wherein he recommended that the Court grant Plaintiff's motion to proceed in forma pauperis. (Doc. No. 9.) He further recommended that the Court dismiss the complaint with respect to Defendants Kerestes, Geroski, Miller, and Mason. (Id.) Plaintiff did not file any objection to the Report and recommendation; but, on December 11, 2013, he filed an amended complaint without any allegations against Defendants Kerestes, Geroski, Miller, and Mason. (Doc. No. 10.)

**ACCORDINGLY**, on this 23<sup>rd</sup> day of January 2014, **IT IS HEREBY ORDERED**  
**THAT** the Report and Recommendation of Chief Magistrate Judge Carlson is **ADOPTED IN**

**PART** as follows:

1. The Plaintiff's motion for leave to proceed in forma pauperis (Doc. No. 2) is

**GRANTED;**

2. The recommendation that the complaint be dismissed with respect to Defendants

Kerestes, Geroski, Mason and Miller is **NOT ADOPTED AS MOOT.**

**IT IS FURTHER ORDERED THAT** the case is referred back to Magistrate Judge Carlson for all further proceedings.

S/ Yvette Kane

Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania